

REMARKS

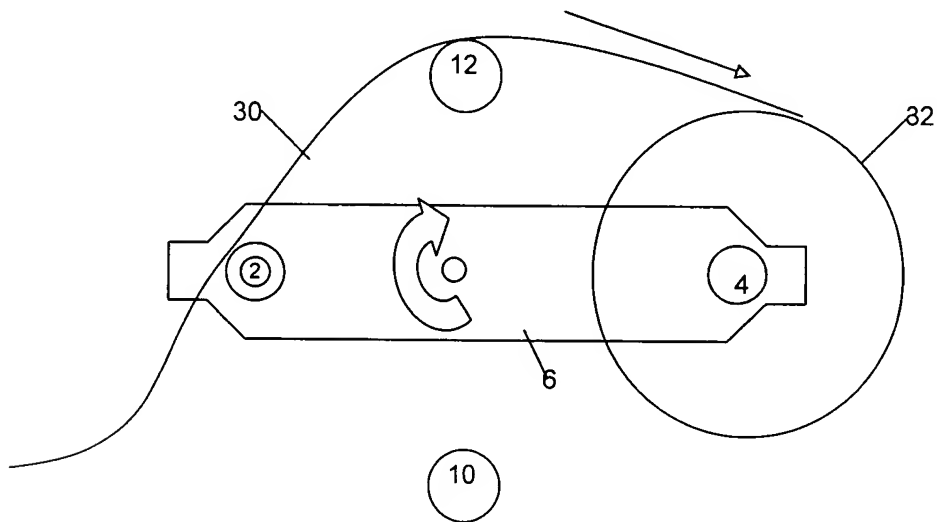
Rejections Under 35 U.S.C. § 103

Sankaran in view of Campbell

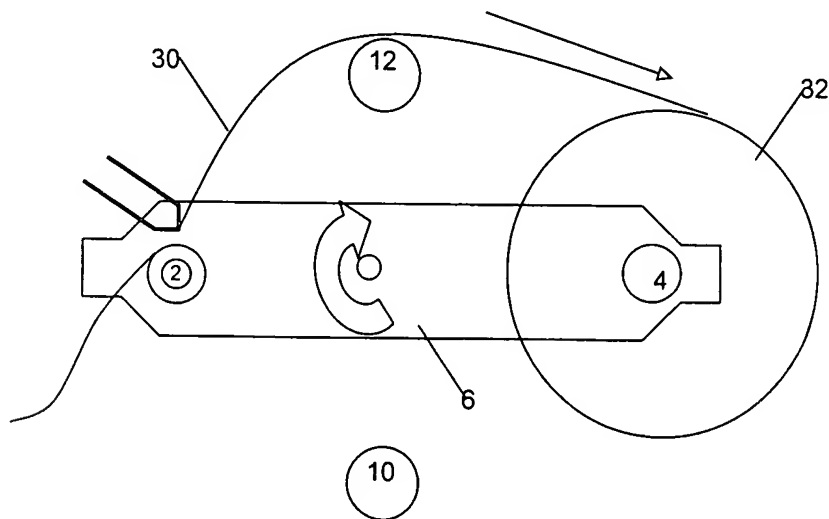
Claims 14-16, 20, and 22 stand rejected under 35 U.S.C. § 103 over of Sankaran (U.S. Patent No. 6,082,659) in view of Campbell (U.S. Patent No. 5,024,128). The Examiner asserts that Sankaran teaches a transfer blade having a retracted position and an extended position and a roll, and that a sheet of material passing between the retracted position and the extended position is diverted away from a processing apparatus by roll 12. The Examiner admits that Sankaran does not teach or disclose that the roll 12 is a pair of nip rolls and that the sheet of material passes between the nip rolls. The Examiner attempts to remedy this deficiency with Campbell. The Examiner asserts that Campbell teaches a pair of nip rolls for creating tension on a sheet before the sheet is cut and delivered to a delivery system. The Examiner further asserts that it would have been obvious to replace the roll 12 of Sankaran with the nip rolls of Campbell, and that this combination would provide the apparatus as claimed.

The rejection of Claims 14-16, 20, and 22 is respectfully traversed. The applied references, alone or in combination, fail to provide each and every element of the claims. Specifically, the combination of Sankaran and Campbell does not provide for the diversion of a sheet of material away from a processing apparatus, as recited in independent claim 14. Applicants submit that if elements 2, 22, and 34 of Sankaran are pieces of a processing apparatus, as suggested by the Examiner, then the processing unit also includes rolls 12 and 16, as well as mandrel 4.

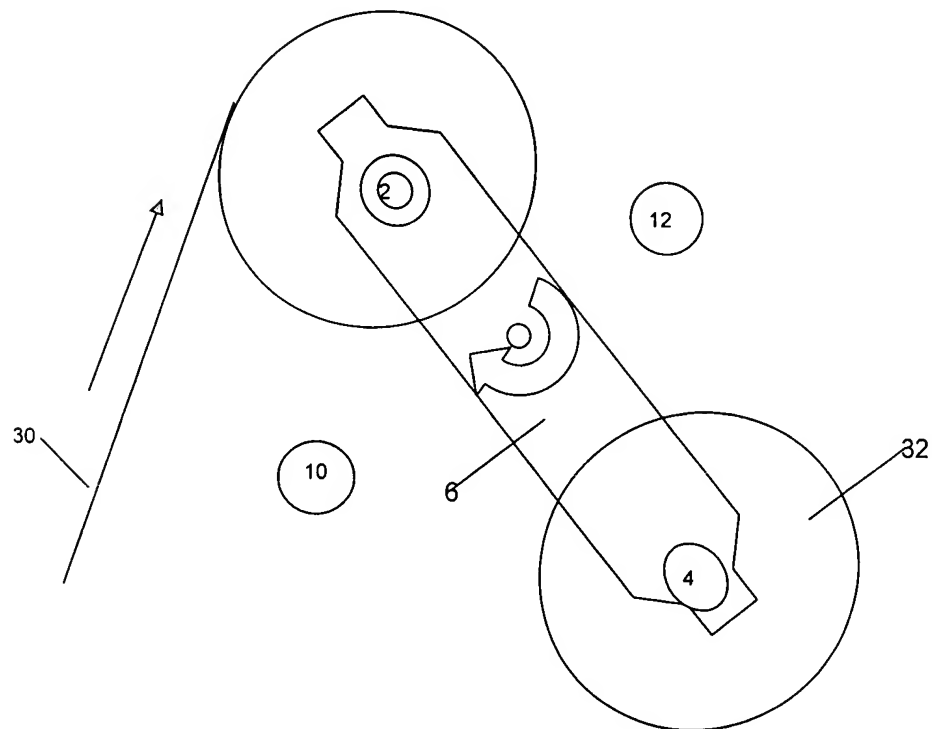
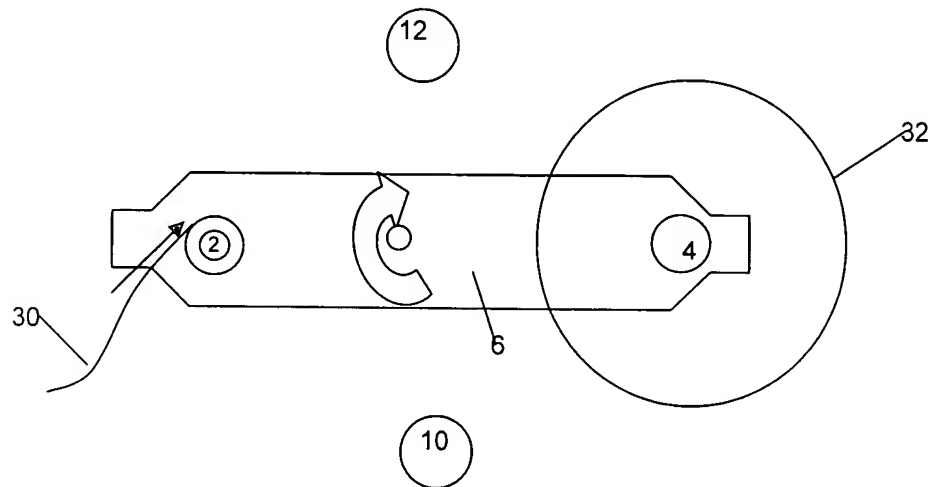
Sankaran teaches the use of a "coiler" or an apparatus that winds a moving aluminum strip on a mandrel for storage. Col. 3, l. 16-18. According to Sankaran, all parts shown below are desirably mounted on a common frame 6, col. 4, l. 35-36 and 51-52, which pivots from a centerline to enable the coil 32, mounted on mandrel 4, to be moved out of the way so that coil 42 may be formed on mandrel 2. The sheet of material 30 is moved along in the direction of the arrow, shown below.



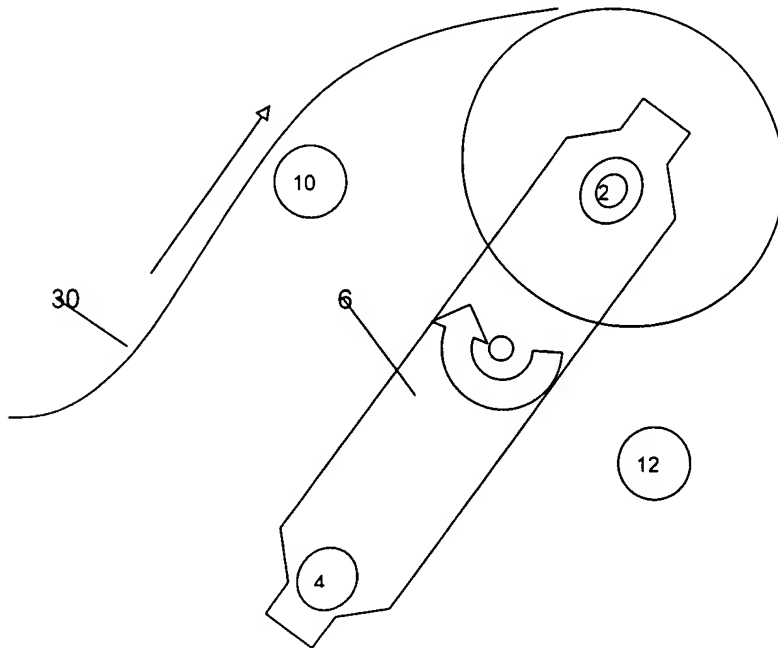
After the aluminum strip has been sufficiently wound around mandrel 4, shown above, the material is severed from the coil 32 on mandrel 4 to effectively complete the wrapping of the strip 30 to mandrel 4.



Once cut, the moving aluminum strip 30 is deflected onto the empty mandrel 2, not away from it. Col. 5, l. 45-46. The coiler frame 6 is rotated slightly clockwise to such a position as shown below:



When the coil on mandrel 2 has reached the desired size, the knife and roller assembly are retracted and the coiler frame 6, **including mandrels 2 and 4 with rolls 10 and 12**, are rotated clockwise to again position the empty mandrel 4 to the (prior) location of mandrel 2. Col. 6, l. 14-20 (emphasis added).



Although the above illustrations are not depicted in Sankaran, Applicants believe that they are fair illustrations of the teachings of the cited reference. The above illustrations show that, in fact, the sheet of aluminum is never diverted away from a processing apparatus. The apparatus is actually moved from a full mandrel to an empty mandrel position, rather than the sheet changing directions from one apparatus toward a different apparatus.

In response to Applicants previous arguments, the Examiner states that “[s]heet 30 is directed away from mandrel roll 2 of the processing apparatus by roller 12.” (Office Action dated June 3, 2005, p. 7). The fact that a reference may teach that a sheet may be diverted away from one portion of an apparatus to a different portion of the same apparatus does not satisfy the recitations of the instant claims. The sheet 30

is never directed away from the processing apparatus (including both mandrels 2 and 4).

Applicants claim a sheet of material passing between a retracted position and an extended position and being diverted away from a processing apparatus by passing between the nip rolls. Neither Sankaran or Campbell, alone or in combination, teach the claimed invention. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness and this rejection should be withdrawn.

Applicants further submit that it would not have been obvious to a person of ordinary skill in the art to replace roll 12 of Sankaran's coiling apparatus with the pair of nip rolls as disclosed by Campbell. The conclusory statements presented regarding obvious design choices of one skilled in the art are insufficient to establish a *prima facie* case of obviousness. MPEP 2143.01 states that, with reference to *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993):

A statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is **not sufficient** to establish a *prima facie* case of obviousness without some **objective reason to combine** the teachings of the references. [Bold emphasis added]

The Examiner has not yet provided any evidence of a motivation or suggestion to modify the Sankaran reference, either from statements within the reference or from other documentary evidence on the record. Thus, the conclusory statement of obviousness "to one of ordinary skill in the art" would be insufficient to establish a *prima facie* case of obviousness under 35 U.S.C. § 103. This is true even if a combination with another reference provided disclosure of each and every element of the claims, which they do not. On this basis alone, Applicants respectfully request the Examiner to withdraw this rejection.

Sankaran in view of Campbell and Lotto

Claims 17 and 18 stand rejected under 35 U.S.C. § 103 over Sankaran in view of Campbell, and further in view of Lotto et al. (U.S. Patent No. 5,588,644).¹ The office action asserts that Lotto discloses a sheet of material that moves at a first speed and that is broken by the stress or tension created by a pair of nip rolls rotating at a second speed greater than the first speed. The Office Action further asserts that it would be obvious to modify the combined apparatus of Sankaran and Campbell with the difference in speeds disclosed in Lotto. Applicants respectfully disagree.

The applied references, alone or in combination, fail to provide each and every element of the claimed invention. Dependent claims 17 and 18 each depend from independent claim 14, including the diversion of a sheet of material away from a processing apparatus. As noted above with respect to claims 14-16, 20, and 22, Sankaran and Campbell, alone or in combination, do not disclose, teach or suggest the diversion of a sheet of material away from a processing apparatus. Lotto does not disclose, teach or suggest, nor has the Office Action asserted that Lotto discloses, teaches or suggests the claimed feature. Accordingly, the Office Action fails to establish a *prima facie* case of obviousness and the rejections should be withdrawn.

Also, it should be noted that the Examiner has provided no motivation to combine or modify the cited references. As stated above, a conclusory statement does not satisfy the Examiner's burden to set forth a *prima facie* case of obviousness. On this basis alone, the rejection should be withdrawn.

Sankaran in view of Campbell and Dambroth

Claims 19 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sankaran, Campbell, and further in view of Dambroth (U.S. Patent No. 3,817,467). The Office Action asserts that the combination of Sankaran and Campbell teach or suggests each and every element of the claimed invention, except for a transfer blade

¹ On page 3 of the instant action, the Examiner has indicated that claim 17 has been withdrawn from further consideration, as being drawn to a nonelected Group I. Applicants, however, are happy to address claim 17 in response to rejections made on page 4 of the same action.

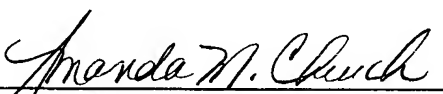
having air jets and a sheet of material that is a fibrous web. The Examiner attempts to remedy this deficiency with Dambroth. Applicants point out that both claims 19 and 21 depend from claim 14 and therefore include the diversion of a sheet of material away from a processing apparatus. As noted above with respect to claims 14-16, 20, and 22, Sankaran and Campbell, alone or in combination, do not disclose, teach or suggest the diversion of a sheet of material away from a processing apparatus. Dambroth does not disclose, teach or suggest, nor has the Office Action asserted that Dambroth discloses, teaches or suggests the claimed feature. Accordingly, the Office Action fails to establish a *prima facie* case of obviousness and the rejections should be withdrawn.

Also, it should be noted that the Examiner has provided no motivation to combine or modify the cited references. As stated above, a conclusory statement does not satisfy the Examiner's burden to set forth a *prima facie* case of obviousness. On this basis alone, the rejection should be withdrawn.

SUMMARY

Pending Claims 14-22 are patentable. Applicants respectfully request the Examiner grant early allowance of this application. The Examiner is invited to contact the undersigned attorney for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,


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